

REMARKS

I. Status of the Application

Claims 1-34 are pending in the application, with claims 7-33 previously withdrawn. As a result, claims 1-6 and 34 are at issue. By way of this amendment, claims 1-6 and 34 have been amended. Each of the amendments finds support in the applicants' specification, and no new matter has been introduced by way of these amendments. This paper is being presented in response to the Office Action dated February 25, 2008.

II. Telephonic Interview with the Examiner

On August 20, 2008, the Examiner, applicant William Phelan, and the applicants' representatives Anthony Whittington (Registration No.: 54,871) and Slava Elkin discussed the prior art of record and the difference between the claimed subject matter and the art of record. No other exhibits, illustrations, other prior art, other prior art rejections, or any other pertinent matters, as set forth in MPEP §713.04, were discussed during the telephonic interview.

At the interview, the applicants' representatives requested that the Examiner clarify the rejection of claim 1 in view of US Patent No. 5,903,881 to Schrader et al. ("Schrader"). The Examiner explained her interpretation of the financial institution (col. 10, line 10) as a member's accounting system of claims 1-6, the user (col. 10, line 11) as at least one customer of claims 1-6, and auto-reconciliation discussed in col. 17 as the act of validating payment history data recited in claims 1-6. The participants were unable to complete the discussion of several elements recited in claim 1 due to an unexpected time constraint cited by the Examiner. The applicants thank the Examiner for her time and consideration.

III. Amendment to the Specification

The specification has been amended to correct a typographical error. No new matter has been introduced by way of this amendment, and the corrected portion of the specification is consistent with the rest of the disclosure.

IV. Claim Rejections under 35 U.S.C. §112

The applicants respectfully traverse the rejection of claims 1-6 and 34 under 35 U.S.C. §112 as being indefinite. Reconsideration and withdrawal of the rejection of claims 1-6 and 34 is respectfully requested in view of the amended claims and of the following remarks.

As amended, each of claims 1-6 and 34 recites a method for automatically obtaining and exchanging credit information that includes the act of obtaining payment history data indicative of a quality of credit. Further, each of the claims 1-6 and 34 recites the act of providing a payment history report associated with of the payment history data to a requestor. Thus, each of the claims 1-6 and 34 teaches a method for automatically obtaining and exchanging credit information. The applicants therefore respectfully request that the rejection of claims 1, 2, and 34 under 35 U.S.C. §112 be withdrawn.

With respect to claim 5, the applicants amend this claim to clarify that the acts recited therein are associated with providing the payment history report. The applicants therefore respectfully request that the rejection of claims 5 under 35 U.S.C. §112 also be withdrawn.

V. Claim Rejections under 35 U.S.C. §102

Applicants respectfully traverse the rejections of claims 1, 3 and 34 as allegedly being anticipated by Schrader. Reconsideration and withdrawal of the rejection of claims 1, 3, and 34 is respectfully requested in view of the amended claims and of the following remarks.

As amended, claims 1 and 34 recite, in part, obtaining payment history data indicative of a quality of credit associated with a customer. Moreover, each of the amended claims 1 and 34 recites providing a payment history report to a requestor upon receiving a request corresponding to a customer. Schrader does not teach or suggest these elements. For at least this reason, Schrader fails to anticipate claims 1-6 or 34.

Schrader is generally directed to a banking software product for use on a personal computer (*see*, e.g., col. 5, line 60 – col. 6, line 1). Schrader explains that “it is desirable to provide an online banking software product and system that tightly integrates bill payment,

account management, and determination of current balances, into a single user interface display” (col. 5, lines 53-57). To this end, Schrader proposes a software product that helps an individual user to manage his or her banking account by presenting transaction instructions, cleared transactions, and uncleared transactions in three separate windows on a computer display (*see, e.g.,* col. 6, lines 1-33). Schrader thus attempts to increase the convenience of a user in making and viewing payments corresponding to his or her *personal* account.

Schrader clearly fails to disclose obtaining payment history data indicative of a quality of credit associated with a customer. Although the Office Action dated February 25, 2008 does not specify which element discussed in Schrader allegedly corresponds to payment history data, the applicants note that irrespective of whether Schrader discloses payment history data, none of the data discussed in Schrader can be considered to be payment history data indicative of *quality of credit* associated with a customer. To the extent that Schrader discusses historical data at all, this reference merely suggests displaying a listing of cleared transactions with improved transaction description (*see* col. 10, lines 23-38 and Fig. 7). Neither this data nor any other data discussed in Schrader is indicative of quality of credit associated with a customer. Therefore, Schrader fails to anticipate claims 1 or 34 for at least this reason.

Further, each of the claims 1-6 and 34 now recites providing a payment history report to a requestor upon receiving a request corresponding to a customer. In view of the telephonic interview with the Examiner, the applicants understand that the Office Action interprets the financial institution (i.e., the bank) of Schrader as a member’s accounting system and the user operating the online banking software product as a customer of claims 1-6 and 34. Assuming, for the purposes of argument only, that this interpretation is valid, Schrader does not teach or suggest providing any type of data, much less a payment history report, to a *requestor* upon receiving a request corresponding to the user operating the online banking software product. At most, Schrader discloses data exchange between the financial institution and the user (*see* col. 11, line 57 – col. 12, line 26; Fig. 8) but does not indicate, even generally, that any type of data associated with the user is provided to a requestor. In fact, it appears that providing any type of data associated with the user to a requestor, rather than to the financial institution or the user herself, is antithetical to the purpose of the *personal* finance product of Schrader because the user described in this reference clearly

expects privacy with respect to his or her personal information. Thus, Schrader does not disclose providing a payment history report to a requestor upon receiving a request corresponding to the at least the first customer and fails to anticipate claims 1 or 34 for at least this additional reason.

For at least these reasons, Schrader fails to teach all elements of claims 1-6 or 34. The applicants therefore request that the rejection of claims 1, 3, and 34 be withdrawn.

VI. Claim Rejections under 35 U.S.C. §103

Claims 2 and 4-6 are believed to be allowable at least for the same reason as claim 1, from which they depend. The applicants therefore request that the rejection of claims 2 and 4-6 be withdrawn for at least this reason.

Further, the applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine Schrader with US Patent No. 6,119,103 to Basch et al. (“Basch”) or with “Data Warehousing Guidelines for DB2” in *Enterprise Systems Journal* by Craig S. Mullins (“Mullins”). As discussed above, Schrader describes a personal software finance product. Meanwhile, Basch is directed to a method for predicting financial risk based on transaction data (*Abstract*). There is no suggestion in Schrader that the personal software finance product may predict financial risk, nor is it clear why one of ordinary skill in the art would combine Schrader and Basch.

With respect to the motivation proposed in the Office Action, the applicants respectfully disagree with the Examiner’s argument at least because it is unclear which party or component in Schrader would need to assess credit risks. The Office Action argues:

It is the responsibility of a prudent business owner to evaluate the credit worthiness of customers before extending credit. Since the customer information and past credit history is in financial programs it would have been obvious to add credit evaluation to this tool in order to identify credit risks and problematic account. *Office Action*, page 6.

Yet neither the user nor the financial institution of Schrader would require this feature because the personal software finance product merely helps to manage an individual banking account. In other words, the product of Schrader is a bookkeeping program that allows a

bank customer to track his or her own account balance and to make online payments. The Schrader product does not perform any form of credit evaluation. Further, the account balances and payment information from Schrader are not the types of data used to create credit evaluations in any event. Moreover, online banking such as the Schrader product merely provide the bank account holder with easy, online access to the aforementioned relevant account information, and simply do not perform or require any form of credit assessment vis-à-vis the account holder. Instead, the Schrader product operates with an existing bank account, and the corresponding financial institution is holding the customer's money, not extending credit to the customer. Thus, there is no motivation in Schrader or Basch to combine these references as proposed in the Office Action. The applicants therefore request that the rejection of claims 2 and 4-6 be withdrawn.

VII. Conclusion

For the foregoing reasons, the applicants respectfully request reconsideration and allowance of claims 1-6 and 34. If there are matters that can be discussed by telephone to further the prosecution of this application, the applicants respectfully request that the examiner call their attorney at the number listed below.

Although the applicants believe that no additional fees or petitions are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun, LLP under Order No. 29804/36569A.

August 25, 2008

Respectfully submitted,

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